

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
IP-Enabled Services)	WC Docket No. 04-36
)	
E911 Requirements for IP-Enabled)	WC Docket No. 05-196
Service Providers)	
)	
Constant Touch Communications, LLC)	
Petition for Extension and Limited Waiver)	

PETITION FOR EXTENSION OF TIME AND LIMITED WAIVER

Constant Touch Communications, LLC (“CTC”), pursuant to Section 1.3 of the Commission’s Rules,¹ requests that the Commission grant a limited waiver extending the time for it to comply with the obligations imposed on CTC pursuant to Commission Rule 9.5(b), (c), and (d) adopted in the *First Report and Order* in the above-captioned proceedings.² As explained in detail below, despite having made substantial progress toward meeting the requirements of the *VoIP E911 Order*, CTC was unable to comply fully for all of its customers by the November 28, 2005 deadline. Accordingly, CTC requests a nine month extension of time to comply with those obligations. CTC may require additional time depending on the specifics of the VoIP E911 deployment as explained herein.³ CTC also requests expedited consideration of this Petition.

¹ 47 C.F.R. § 1.3.

² *IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, WC Docket Nos. 04-36 & 05-196, FCC 05-116 (released June 3, 2005) (“*VoIP E911 Order*”). Commission Rule 9.5, 47 C.F.R. §§ 9.5, implementing the VoIP E911 Order is scheduled to take effect on November 28, 2005.

³ Included as Exhibit A to this filing is a map that illustrates Intrado’s planned VoIP E911 deployment schedule provided by Intrado. According to the deployment schedule, Intrado expects to have nationwide coverage, subject to certain conditions, in place by June 2006. While (cont’d)

I. DESCRIPTION OF THE PETITIONER

CTC is a communications provider offering IP-enabled services, including VoIP services. CTC also provides broadband telecommunications, wireless, video and data network services to carriers, ISPs, satellite providers and television broadcast companies. CTC's VoIP service is nomadic allowing customers to use the service anywhere a broadband Internet access connection is available. Customers may obtain their broadband Internet access from CTC, but they are not required to do so. CTC's VoIP service also allows customers located in one geographic area to use telephone numbers that are associated with another area. CTC has provided a description of its service offerings to the Commission in its compliance report submitted on November 28, 2005.⁴

Pursuant to the definitions adopted in the *VoIP E911 Order*, CTC is a provider of interconnected Voice over Internet Protocol ("VoIP") services, as the company: (1) enables real-time, two-way voice communications; (2) requires a broadband connection from the user's location; (3) requires Internet protocol-compatible customer premises equipment ("CPE"); and (4) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.⁵

this is seven months away, CTC is asking for nine months based on the delays the Company has experienced in the run up to the November 28, 2005 deadline.

⁴ See Letter to Marlene H. Dortch, Secretary, FCC from Paul O. Gagnier and Ronald W. Del Sesto, Jr., Counsel for CTC Communications, LLC, WC Docket Nos. 04-36 and 05-196 (filed Nov. 28, 2005) as corrected by letter filed Nov. 29, 2005 ("*CTC Compliance Report*").

⁵ See 47 C.F.R. § 9.3.

CTC has taken a number of steps to comply with the Commission's VoIP E911 rules. CTC has met the affirmative acknowledgment requirements set forth in 47 C.F.R. § 9.5(e).⁶ CTC also taken significant steps to implement the E911 service requirements established in 47 C.F.R. § 9.5 (b) and (c). Specifically, CTC determined it did not have the resources to independently deploy E911 service for all its VoIP customers by the Commission's deadline. Accordingly, CTC contracted with New Global Telecom ("NGT"), an Intrado reseller, to deploy its VoIP E911 solution. That solution is discussed in detail below.

Despite its efforts, CTC was not in full compliance with the requirements of the *VoIP E911 Order* by the Commission's November 28, 2005 deadline. CTC therefore requires additional time to implement an E911 solution for all of its customers. Based on its discussions with NGT, CTC believes that approximately 85% to 90% of its current subscriber base receive E911 service that complies fully with the *VoIP E911 Order* as of November 28, 2005. CTC also has Registered Location information for approximately 85% of its customers. CTC therefore requires additional time to implement an E911 solution for the rest of its customers. CTC, together with its vendor, is implementing an E911 solution that will comply with the *VoIP E911 Order*.

For the small number of CTC customers located in markets where NGT does not offer an E911 solution, CTC's agreement with NGT calls for NGT to provide, on an interim basis until E911 is fully implemented in those areas, an emergency operator-assisted 911 service – known

⁶ CTC has filed three status reports addressing the Company's efforts to notify its customers of the limitations associated with its VoIP 911 service and to obtain affirmative acknowledgments from those subscribers stating that they understand those limitations. Those reports were filed in WC Docket No. 04-36 on August 10, September 1, and September 22. The Company's September 22, 2005 report informed the Commission that, as of September 20, 2005, CTC had obtained affirmative acknowledgement from 100% of its U.S. subscriber base.

as SafeCall® Operator Assisted 911 Service. Under this interim solution, 911 calls placed by subscribers with Registered Locations in the United States, but outside the areas where NGT has deployed E911 service, will be routed to an emergency call response center (“ECRC”). The ECRC will have operators standing by 7 days a week, 24 hours a day with access to the subscriber’s Registered Location and callback number. The ECRC would then provide a “soft transfer” of the 911 call to the appropriate 911 dispatcher or to a local exchange telephone line of the geographically appropriate PSAP. The ECRC then will communicate the Registered Location and call back number prior to transferring the actual call. As such, all CTC customers are covered by either NGT’s E911 solution, or NGT’s SafeCall® Operator Assisted 911 Service.

Based on its discussion with and commitments from its vendor, CTC currently estimates that it will require at least an additional nine months to make E911 service available in all areas in which it operates. Intrado, NGT’s underlying VoIP E911 network provider, has advised that full E911 coverage will be in place by June 2006 for at least one Selective Router per county (where Selective Routers are utilized) according to the map attached as Exhibit A. However, Intrado has not yet advised which counties have more than one Selective Router, so it is impossible for CTC to determine whether full coverage will be reached by June 2006, or whether certain customers may still be without E911 service in counties with two or more Selective Routers where Intrado has not interconnected with all available Selective Routers in those areas.

II. SPECIFIC WAIVERS REQUESTED

CTC respectfully requests a limited waiver allowing it a nine month extension of time to implement the following requirements of the *VoIP E911 Order*:

- 1) The requirement to transmit all 911 calls, in all geographic regions served by the Wireline E911 Network, along with the ANI and the caller’s Registered Location for

each call, to the PSAP, designated statewide default answering point, or appropriate local emergency authority.⁷

- 2) The requirement to route all 911 through the use of ANI and, if necessary, pseudo-ANI.⁸
- 3) The requirement to provide the Registered Location to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority from or through the appropriate automatic location information (ALI) database.⁹
- 4) The requirement to obtain from each customer, prior to the initiation of service, the physical location at which the service will first be utilized and provide end users one or more methods of updating their Registered Location, including at least one option that requires use only of the CPE necessary to access the interconnected VoIP service.¹⁰
- 5) To the extent necessary, CTC seeks limited waiver of Section 9.5(b)(1) of the rules to permit CTC to continue to market interconnected VoIP service and sign up new customers during the nine month period of additional time that CTC needs to comply with the requirements of Sections 9.5(b) and (c) of the rules.¹¹

III. STANDARD OF REVIEW

Section 1.3 of the Commission's Rules states that the Commission may waive its rules for good cause, which has been interpreted to exist when the facts of a particular case make strict compliance inconsistent with the public interest and when the relief requested will not undermine the policy objective of the rule in question.¹² To prevail, a petitioner must demonstrate that

⁷ See 47 C.F.R. § 9.5(b)(2).

⁸ See 47 C.F.R. § 9.5(b)(3).

⁹ See 47 C.F.R. § 9.5(b)(4).

¹⁰ See 47 C.F.R. § 9.5(d).

¹¹ The Enforcement Bureau's Public Notice explicitly provides that it expects "that such providers will discontinue marketing VoIP service, and accepting new customers for their service, in all areas where they are not transmitting 911 calls to the appropriate PSAP in full compliance with the Commission's rules." *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters*, WC Docket No. 04-36, WC Docket No. 05-196, DA 05-2945, at 5 (rel. Nov. 7, 2005).

¹² 47 C.F.R. § 1.3. See *Wait Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); see also *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990).

application of the challenged rule would be inequitable, unduly burdensome, or contrary to the public interest.¹³

The Commission's approach to requests for waivers in the wireless area is illustrative. Section 1.925(b)(3) of the Commission's Rules is comparable to Section 1.3. It provides that the Commission may grant a request for waiver if:

- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or
- (ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.¹⁴

The Commission has also made clear in the wireless E911 context that technical infeasibility and delays beyond the control of the carrier, including the inability to obtain required products or services despite good faith efforts by a petitioner, is reason to grant a waiver.¹⁵

IV. PETITIONER MEETS THE STANDARD FOR GRANTING A WAIVER

A. Unusual Factual Circumstances Justify the Requested Waivers

CTC has long sought a means to provide E911 service to its VoIP customers. Because CTC's VoIP service is offered over the public Internet, however, CTC cannot practicably limit the geographic locations from which its customers might use the service; therefore, a complete nationwide E911 solution is required for E911 coverage. This poses a much greater challenge for CTC than is faced by traditional telecommunications carriers or VoIP providers whose

¹³ *Wait Radio*, 418 F.2d at 1159.

¹⁴ 47 C.F.R. § 1.925(b)(3).

¹⁵ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; E911 Phase II Compliance Deadlines for Tier III Carriers*, CC Docket No. 94-102, Order, FCC 05-79, released April 1, 2005 ("Wireless E911 Tier III Second Waiver Order") at P 10.

networks have a defined geographic footprint. Even before the issuance of the *VoIP E911 Order*, CTC had determined that it would be logistically impossible for CTC to contact, negotiate, and contract with all with all the necessary parties to implement and manage a nationwide network-based E911 solution. CTC held discussions with NGT, Time Warner, Oceanic Cable, Hawaiian Tel, Intrado, Neustar, Affinity Tel, MCS-Japan, and a number of other vendors to discuss provisioning of E911 service even before it launched its VoIP service. For various reasons, the solutions offered prior to the issuance of the *VoIP E911 Order* were not adequate.

After several months of discussions, CTC contracted with NGT on May 1, 2005. Specifically, CTC purchased NGT's "SafeCall® E911 Service," which utilizes Intrado's network capabilities and services provided by other Emergency Service Gateway Providers ("ESGPs") to provide VoIP E911 service. The SafeCall® E911 Service, as noted in the *CTC Compliance Report*, provides CTC with Subscribers' Registered Address Location management, web-based updating, Interactive Voice Response updating, and call center services where a live operator will answer failed calls 24-hours a day, seven days a week. As of November 28, NGT was able to provide its SafeCall® E911 Service in 2,081 rate centers in 31 markets. However, as detailed above, 10 to 15% of CTC's customers are located outside of NGT's SafeCall® E911 Service footprint. NGT, together with Intrado, is working to deploy this solution in more MSAs, which will provide coverage to a greater proportion of CTC's customers.

CTC also has been advised by NGT that its SafeCall® nomadic solution will be in compliance and NGT will open its E911 Call Center and begin the SafeCall® E911 service as of November 28, 2005. The SafeCall® service will establish E911 service for customer addresses within the NGT footprint that have passed CTC's validation process. The SafeCall® service will

include E911 activation of CTC's U.S. customers that have provided registered location information within NGT's coverage area, as well as CTC U.S. customers whose location address is outside NGT's E911 coverage area via the SafeCall® Operator Assisted service.

NGT and CTC are also working with other emergency service gateway providers and NANPA, as well some of NGT's CLEC customers, to provide additional coverage for SafeCall®. However, as the Commission is aware, adding network providers is a difficult and time-consuming process. Some network providers are wary of contracting to terminate E911 calls from telephone numbers that are not directly provisioned by them. While some network providers will provide E911 service for third-party provisioned telephone numbers, there are many operational, commercial, testing and technical issues that need to be resolved. Issues outside of CTC's and NGT's control have been the most difficult to manage, whether it is managing vendors to work together; waiting to acquire appropriate routing information, or waiting for PSAP testing.

For example, shortly after the issuance of the *VoIP E911 Order*, CTC contacted Hawaii's PSAPs – there is a single provider that administers all Hawaiian PSAPs– and was informed that the PSAPs were in the process of determining which entity would be responsible for coordinating E911 issues with VoIP providers. The PSAPs noted that Verizon usually handled such discussions, but with their acquisition pending by the Carlyle Group, the PSAPs wanted to develop a new solution. To date, the Hawaii PSAPs have not coordinated E911 discussions with CTC and other VoIP providers. CTC does not expect that its customers located in Hawaii will have access to E911 services until approximately June 30, 2006.

CTC also has made substantial progress with respect to obtaining registered location information from its customers. For example: (1) CTC has collected status and end-user

addresses for every telephone number on its TelPack platform or in inventory; (2) CTC has submitted its customer addresses to NGT for validation; (3) CTC has worked with its customers and NGT to resolve any address data errors; (4) CTC has worked with its customers and NGT to resolve any outstanding data errors; and (5) CTC began sending confirmation to all customers regarding their service status as of November 28th.

One major complicating factor in deploying a VoIP E911 solution is that both VoIP providers and solution providers, like NGT and Intrado, are dependant on the efforts of third parties to deploy an E911 solution, including RBOCs and PSAPs. Circumstances beyond NGT and Intrado's control impact CTC's ability to deploy an E911 solution to its customers. For example, in order to deploy a VoIP E911 solution for nomadic VoIP services, Intrado requires access to pseudo-ANI ("p-ANI"). As described by certain members of Congress as well as industry experts in multiple *ex parte* filings with the Commission,¹⁶ the lack of the appointment of an interim Routing Number Authority has made it impossible for Intrado to access p-ANI in certain areas of the country, impeding the deployment of a VoIP E911 solution. Also, in certain areas, PSAPs are either declining or being advised to decline entering into agreements with VoIP providers due to the lack of legislation protecting VoIP providers and PSAPs from any liability that may result from mistakes that may arise in the routing or handling of 911 calls. As the Commission is aware, wireline and wireless carrier enjoy legal protection that insulate them from

¹⁶ See, e.g., *Ex Parte* Letter from The Honorable Joe Barton, et al. to Chairman Kevin J. Martin, Chairman, Federal Communications Commission (dated Nov. 22, 2005); *Ex Parte* Letter from Robert C. Atkinson, NANC Chair to Thomas Navin, Chief Wireline Competition Bureau, FCC (filed Sept. 8, 2005); *Ex Parte* Letter from David F. Jones, President, National Emergency Number Association, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-36 & 05-196 (filed Nov. 4, 2005); *Ex Parte* Letter from Tom Goode, Associate General Counsel, Alliance for Telecommunications Solutions', to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-36 & 05-196 (filed Nov. 2, 2005).

liability should emergency calls be mishandled. Intrado, NGT, and CTC do not have the ability to resolve these issues.

As detailed above, the acquisition of Verizon's assets in Hawaii by the Carlyle Group has also caused delays for deploying an E911 solution for CTC's customers. Intrado, NGT, and cannot influence this process. Thus, until the PSAPs determine how they are going to proceed, CTC cannot deploy and implement an E911 solution for its customers.

The Commission also recognized in the *VoIP E911 Order* that the timeframe for requiring the deployment of an E-911 solution was "aggressive."¹⁷ In fact, deployment of an E911 solution for a new technology within 120-days is without precedent. VoIP providers, third-party solution providers, VoIP positioning companies, state and local E-911 officials, and RBOCs are faced with unique issues to resolve and in the midst of developing a standard for the delivery of VoIP E911 calls.¹⁸ Further, each RBOC has demonstrated a different level of cooperation in deploying a VoIP E911 solution and has adopted different implementation procedures. For example, one carrier would have charged CTC \$5,000 for an application to review how CTC would "ride" on its network. Moreover, the same carrier would not provide a specific date to complete the review so that CTC could develop accurate plans to deploy an E911 solution. The 120-day implementation timeframe has not allowed enough time for the industry to resolve all of these disparate issues in order to develop a comprehensive solution. Given the novel issues that arise in deploying a VoIP E911 solution, coupled with the 120-day timeframe,

¹⁷ *VoIP E911 Order* at ¶ 37.

¹⁸ See IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers, Reply Comments of NENA, WC Docket Nos. 04-36 & 05-196 (filed Sept. 12, 2005) (stating that NENA was still in the process of developing the standard, and has sought industry comments on a preliminary proposal).

it was simply not possible for the industry to establish a comprehensive VoIP E911 solution.

As the Commission has found previously, delays that are beyond the control of a provider or the inability of a provider to obtain required products or services despite good faith efforts, provides reason to grant a waiver.¹⁹ In this case, CTC has made good faith efforts to obtain an E911 solution that complies fully with the *VoIP E911 Order*, and in fact has made substantial progress toward full compliance, but was not in full compliance by November 28. Under these conditions, CTC respectfully submits that the unusual factual circumstances associated with the deployment of a VoIP E911 solution justify the limited relief CTC seeks in this Petition.

B. Grant of an Extension of Time and Limited Waiver to CTC is in the Public Interest; Strict Enforcement of the November 28 Deadline Will Thwart the Purposes of the Commission's Rules

Strict adherence to the requirements of the *VoIP E911 Order* would be inconsistent with the public interest with respect to CTC. CTC has made good faith efforts to comply with the requirements and has made substantial progress toward compliance. Moreover, it has a plan in place that ultimately will enable it to comply fully with the Commission's rules. However, for reasons that are largely beyond its control, CTC was not able to provide full E911 service to all of its customers by the November 28 deadline. Demanding strict compliance with the *VoIP E911 Order* will not change that fact or further the Commission's goal of providing E911 to all consumers, but will only punish CTC for its efforts to date. It could result in the suspension of service to CTC's customers and prohibit CTC from accepting new customers. The result very well could be that CTC will be less able ultimately to comply with the *VoIP E911 Order*. Customers will remain without E911 service, as CTC will not have adequate resources to deploy

¹⁹ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; E911 Phase II Compliance Deadlines for Tier III Carriers*, CC Docket No. 94-102, Order, FCC 05-79, released April 1, 2005 ("Wireless E911 Tier III Second Waiver Order") at P 10.

a ubiquitous E911 solution, and CTC's ability to compete in the VoIP market will be weakened. Such a result would not serve the public interest and would thwart the goals of the *VoIP E911 Order* and the Commission's mandate to foster competition. Accordingly, a limited waiver of the requirements of the *VoIP E911 Order* with respect to CTC is necessary and is in the public interest.

1. CTC's Plan to Achieve Full Compliance

In addition to the steps that it has already taken to implement the requirements of the *VoIP E911 Order*, CTC has taken steps to achieve full compliance within a reasonable period. Grant of this Petition will give CTC the time and resources to carry out its compliance plan. As previously discussed, CTC has contracted with NGT, an Intrado reseller, to provide an E911 solution to CTC. Pursuant to correspondence with Intrado, CTC understands that 93% the U.S. population is currently served by PSAPs operating off an E911 Selective Router. While the areas not served by a PSAP operating off an E911 Selective Router are not included within the *VoIP E911 Order* and are not required for compliance, Intrado is actively contacting these areas to determine technical options for VoIP E911 native call delivery. Also, Intrado is currently aware of four States and a Commonwealth that have native Selective Routing functionality but will only provide Automatic Number Identification (ANI)-only service (not Registered Location information) to the PSAP. In New Jersey, Intrado has gained permission from the State to deploy a voice only service that enables the call taker to receive ANI on the VoIP 911 caller, but the State ALI system is not capable of full dynamic ALI updates and will require an upgrade. Ohio and Hawaii have not granted permission to Intrado to deploy a voice only solution, and these States' ALI systems are not capable of full dynamic ALI update. Further, Puerto Rico has not granted permission to Intrado to deploy a voice only solution, and the ALI systems are not capable of full dynamic ALI update.

According to Intrado, that company provided access to 154 E911 Selective Routers as of November 28, 2005. The attached Major Market Deployment Map (Exhibit A) depicts Intrado's planned rollout of E911 services from November 28, 2005, to June 30, 2006.²⁰ Intrado has further advised that it plans to deploy E911 services in at least one selective router per county as set out in Exhibit A. If Intrado is able to achieve the level of deployment by the end of the second quarter of 2006, and depending on the actual number of selective routers that Intrado connects to, most if not all of CTC's customers will have 911 service in conformity with the *VoIP E911 Order*. To reach that goal, Intrado still must arrange interconnection with thousands of PSAPs that are currently not covered. Nuvio will implement the Intrado provided solution throughout its network as soon as possible after Intrado makes it available. CTC has been advised by NGT that, as of November 28, 2005, NGT expected to have its SafeCall® E911 service available for approximately 85% to 90% of CTC's customers. As detailed herein, for those VoIP customers without an E911 solution, CTC, via NGT, will provide access to NGT's SafeCall® Operator Assisted 911 Service. CTC will implement the NGT provided solution throughout its network as soon as possible after NGT makes it available.

2. The Relief CTC Seeks is in the Public Interest

In light of the circumstances described above, grant of a limited waiver and extension of time to CTC is in the public interest. CTC has made good faith efforts to comply with the requirements of the *VoIP E911 Order*. It has met the requirements of Rule 9.5(e) for 100% of its U.S. customers, as reported in its September 22, 2005 report, and meets the requirements of 9.5(b) and (c) for approximately 85 to 90% of its customers. In addition, CTC is working closely

²⁰ Note that the market deployment map represents major markets where Intrado has connectivity to at least one Selective Router, ALI steering and the ability to populate ALI.

with its vendors to ensure that all of its VoIP customers have full E911 access within a reasonable amount of time.

For CTC customers in the markets where NGT does not offer an E911 solution, CTC's agreement with NGT calls for NGT to provide, on an interim basis until E911 is fully implemented in those areas, an emergency operator-assisted 911 service – known as SafeCall® Operator Assisted 911 Service. Under this interim solution, 911 calls placed by subscribers with Registered Locations in the United States, but outside the areas where NGT has deployed E911 service, will be routed to an emergency call response center ("ECRC"). The ECRC will have operators standing by 7 days a week, 24 hours a day with access to the subscriber's Registered Location and callback number. The ECRC would then provide a "soft transfer" of the 911 call to the appropriate 911 dispatcher or to a local exchange telephone line of the geographically appropriate PSAP. The ECRC then will communicate the Registered Location and call back number prior to transferring the actual call. Accordingly, CTC's VoIP customers, regardless of the availability of VoIP E911 services, will have access to emergency services until such time as NGT is able to deploy an E911 solution to all of CTC's VoIP customers.

By demanding full compliance with the *VoIP E911 Order* by November 28, the Commission will make it more difficult for CTC to come into full compliance. Strict adherence to the *VoIP E911 Order* could require CTC to discontinue its services to some customers and to cease accepting new customers.²¹ These actions would deprive existing customers of access to

²¹ While the Enforcement Bureau has indicated that it is not "requiring" providers to disconnect current customers, the full Commission has not addressed this issue, Commission Rule 9.5 remains fully in effect, and even the Bureau has made no commitment not to pursue enforcement actions against providers that continue to provide service. In particular, it is unclear whether VoIP providers can continue to serve existing customers who change their registered location after November 28. Thus, the fact remains that non-compliant VoIP providers are in the untenable position of courting an enforcement action if they do continue to provide service to existing customers.

CTC's VoIP services and destroy CTC's relationships with those customers. In addition, the ability of CTC to attract new customers would be severely hampered. The loss of current customers and the inability to accept new customers will deprive CTC of the ability to maintain or expand its user base and revenues. This would cause CTC extreme economic hardship. More important for purposes of this Petition, the loss of those revenues would limit CTC's ability to pay for the deployment of E911 service and make it less likely that CTC will be able to comply in a timely manner with the requirements of the *VoIP E911 Order*. Such a result would not be not in the public interest.

C. Grant of the Petition will not Undermine the Policy Objective of the *VoIP E911 Order*

As discussed above, CTC has worked, and is continuing to work, to implement an E911 solution that meets the requirements of the *VoIP E911 Order*. Grant of the Petition will not undermine the policy goal that customers of interconnected VoIP providers have access to emergency services. CTC is not requesting an exemption from or indefinite waiver of the rules. Rather, CTC merely seeks additional time so that it can meet those requirements fully for all of its customers. In other contexts—for example, wireless E911 and CALEA—the Commission has routinely issued limited waivers and extensions of time despite the significant public interests in the recognition that such limited waivers do not undermine the objections of those rules. The situation here is no different. CTC's limited request for relief does not impair the public safety goals that underlie the Commission's new rules. Accordingly, the Commission should grant the Petition.

VI. CONCLUSION

For the reasons set forth above, CTC respectfully submits that grant of this Petition for extension of time and limited waiver serves the public interest.


Respectfully submitted,

/s/
Paul O. Gagnier
Ronald W. Del Sesto, Jr.
SWIDLER BERLIN LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Telephone: (202) 424-7500
Facsimile: (202) 424-4645

Counsel for CTC Communications, LLC

Filed: November 29, 2005

I, Carl Maybin, state that I am President and CEO of Constant Touch Communications, LLC; that the foregoing Petition for Extension of Time and Limited Waiver ("*Waiver*") was prepared under my direction and supervision; and I declare under penalty of perjury that the *Waiver* is true and correct to the best of my knowledge, information, and belief.

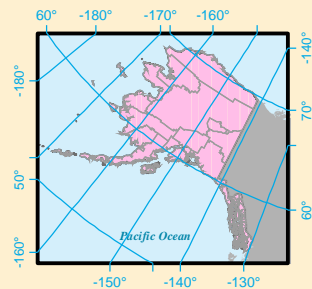
A handwritten signature in cursive script, reading "Carl A. Maybin".

Name: Carl Maybin
Title: President and CEO
Constant Touch Communications, LLC

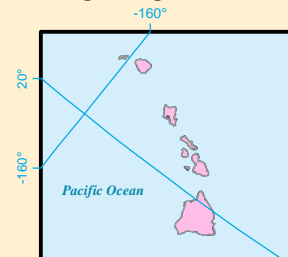
Exhibit A

Intrado Major Market VoIP E911 Rollout Map

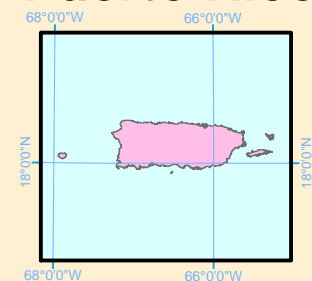
Alaska



Hawaii



Puerto Rico



Legend

- Planned for 11/28/2005
- Planned for 3/31/2006
- Planned for 6/30/2006
- County Boundary
- or Top 20 MSAs
- Lakes

0 50 100 200 300 Miles

Intrado Major Market Rollout Schedule

Albers Projection
Central Meridian: -96
1st Std Parallel: 20
2nd Std Parallel: 40
Latitude of Origin: 40

Intrado™
Informed Response.™

Intrado
WOS GIS Operations Team
Date: November 2005
Data Source: Meridian, Geode, IPS, ESRI Data
Created in ArcGIS 8 using ArcMap